

## REMARKS

These remarks are responsive to the Office Action mailed August 10, 2004 (the "Office Action"). In the Office Action, the Examiner rejected claim 1, allowed claims 5-13, and objected to claims 2-4 as being dependent upon a rejected base claim. The Applicants extend their sincere gratitude to the Examiner for the indication of allowable subject matter.

### AMENDMENTS TO THE CLAIMS

Claim 1 has been amended to recite that the turning device is stopped to thereby push against the case and turn the case about an axis normal to the direction of the case's travel. Exemplary support for this amendment is found in the specification at paragraph 27 and Figure 6A. As such, no new matter is believed to be added by this amendment.

### CLAIM REJECTIONS

Claim 1 was rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Landrum *et al.* (U.S. Pat. No. 5,660,262). Landrum discloses a conveyor having a side-running chain that is provided with fingers (part 22) that move along the conveyor at a speed less than the conveyor speed. The fingers retard the movement of one end of the cartons on the conveyor to assist with rotating the cartons. The remainder of the rotating force is provided by operating the o-ring conveyor belts (part 30) at differential speeds along the width of the conveyor — that is, the belts nearest the side-running chain move more slowly than those further from the chain, imparting a rotating torque on the cartons. Notably, during operation, the fingers move continuously along the length of the conveyor. As such, the rotation provided by the Landrum device requires a considerable distance.

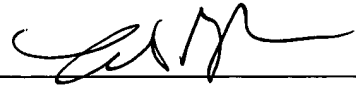
In contrast to Landrum, amended claim 1 recites that the turning devices are *stopped* relative to the movement of the cases, as described at paragraph 27 of the disclosure (describing the case pressing the cylinder back to the end of its travel until it stops, and re-extending the cylinder after the pressure from turning the case is removed). This stop in movement presses against the cases and provides rapid, but accurate and cushioned turning operation. (In fact, in a typical commercial embodiment of the invention, the turning device moves only about 2 inches before stopping.) This feature is not disclosed or reasonably suggested in Landrum, and it is not clear how Landrum would even work if such a feature were added, because stopping one of Landrum's fingers would cause all of the remaining fingers to stop, which would interfere with the rotation of upstream and downstream cartons. Therefore the present invention is believed to patentably distinguish over the prior art, and reconsideration and notice of allowance of claim 1 and claims 2-4 depending therefrom are respectfully requested.

### CONCLUSION

The Applicants respectfully submit that the above amendments place the application in condition for allowance. If the Examiner believes that prosecution might be advanced by discussing the application with the Applicants' counsel, in person or by telephone, the Applicants' counsel would welcome the opportunity to do so.

It is believed that no fees are due with this response. However, in the event any fees are due with this or any other paper associated with the prosecution of this application, the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,  
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